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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/711,549

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Hrair Aldermeshian

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7590

04/25/2005

AT&T IP Law Group  
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EXAMINER

DUONG, DUC T

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/711,549

Applicant(s)

ALDERMESHIAN ET AL.

Examiner

Duc T. Duong

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 11 is/are allowed.
- 6) ☒ Claim(s) 2-4 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the amendment filed on March 24, 2005, the finality of that action is withdrawn.

### ***Claim Objections***

2. Claims 6 and 11 are objected to because of the following informalities:  
Regarding to claim 6, after line 11, there should be a --,- - insert after the word "frames" and on line 15, the "." after the word "in" should be removed. Regarding to claim 11, there should be a --,- - insert after the word "frames". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase et al (US Patent 6,081,524) in view of Rivers et al (US Patent 6,028,858).

Regarding to claims 2 and 7, Chase discloses a method of transmitting data across network comprising the step of a source (end-user) transmitting Internet Protocol packets (Fig. 7); receiving a plurality of Internet Protocol packets at a first router 919 and encapsulating the IP packets into frame relay frames (Fig. 7 col. 6 lines 65-67), wherein the IP packets contains data and priority information (Fig. 3 col. 8 lines 46-50); transmitting the frame relay frames from the first router to a second router 502 via a

Art Unit: 2663

PVC (Fig. 9 col. 8 lines 26-29) over a frame relay network 500 in a manner determined by the priority information (located in the layer 4 information) included in the frame relay frames (Fig. 7 col. 7 lines 67 and col. 8 lines 1-2).

Chase fails to teach for transmitting the frame relay frames from the first router comprises transmitting the frame relay frames over a group of more than one permanent virtual circuit.

However, Rivers discloses a method of transmitting data from a first router 24 to a second router 26 over a frame relay network using more than one permanent virtual circuit 30, 42, and 44 (Fig. 1 col. 2 lines 44-45 and col. 3 lines 4-7).

Thus, it would have been obvious to a person of ordinary skill in the art to employ more than one permanent virtual circuit as taught by Rivers into Chase's system for the purpose of providing an efficient access means to a frame relay network in cases where a primary access lines has failed.

Regarding to claims 3 and 8, Chase discloses the permanent virtual circuit PVC (Fig. 9) is used to transmit frame relay frames having predetermined priority information (Fig. 3 col. 8 lines 46-50; note the priority information in layer 4 is included in the frame relay frames).

Regarding to claim 4, Chase discloses the permanent virtual circuit PVC (Fig. 9) is used to transmit frame relay frames having predetermined priority information when a congestion condition exists (Fig. 9 col. 13 lines 34-42).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase and Rivers in view of Ganesan et al (US Patent 5,519,640).

Regarding to claim 9, Chase and Rivers disclose all the limitations with respect to claim 7, except for the frame relay frames are transmitted from the relay switch to the second router in a manner determined by priority information included in the headers of the frames. However, Ganesan discloses a transfer of frame relay frames over a frame relay network 9 based on priority information in the header of the frames (Fig. 1 and 4A col. 5 lines 32-38). Thus, it would have been obvious to a person of ordinary skill in the art to employ priority information in the header of relay frame as taught by Ganesan in Chase and Rivers's system for the purpose of providing different QoS transmission.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase et al (US Patent 6,081,524) in view of Schuster et al (US Patent 6,363,053 B1).

Regarding to claim 10, Chase and Rivers disclose all the limitation with respect to claim 2, except for the priority information of each Internet Protocol IP packet is located in the header of the IP packet. However, Schuster discloses a method of transmitting IP packets across a network using priority information located in the header (col. 13 lines 39-42). Thus, it would have been obvious to a person of ordinary skill in the art to employ priority information in the header of IP packet as taught by Schuster in Chase and Rivers's system since it is well known standard in the art IP processing.

#### ***Allowable Subject Matter***

7. Claims 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 6 and 11 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step of or means for **“the group of permanent virtual circuits includes at least one circuit designated to carry frames containing critical information and at least one circuit designated to carry frames containing non-critical information”**, when such permanent virtual circuits is considered within the specific structure of the method recited in claim 5. The prior art of record fails to teach or make obvious the step of or means for **“converting the frame relay frames arriving at the second router into Internet Protocol packets having the priority information and transmitting the Internet Protocol packet from the second router toward a destination location in a manner determined by the priority information include in the Internet Protocol packets”**, when the converting and transmitting are considered within the specific structure of the method recited in claim 6. The prior art of record fails to teach or make obvious the step of or means for **“the priority information of each Internet Protocol packet arriving at the first router is a function of an address of each Internet Protocol packet”**, such priority information is considered within the specific structure of the method recited in claim 1.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

Art Unit: 2663

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD  
DD

  
RICKY NGO  
PRIMARY EXAMINER

4/19/05